

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
BLACKSMITH INVESTMENTS,	)	
LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 04 10369 NG
	)	
CIVES STEEL CO., INC.,	)	
NEW ENGLAND DIVISION,	)	
	)	
Defendant.	)	
_____	)	

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Joseph A. Barra, being duly sworn, provides the within certification in accordance with Local Rule 7.1(A)(2) and Article 3.01(b) of the District Court's Expense and Delay Reduction Plan:

1. The Defendant Cives Steel Corporation ("Cives"), Inc. has made a good faith effort to resolve and/or narrow the issues presented in Cives' Motion to Dismiss ("Motion").
2. On July 21, 2004, Cives sent the Plaintiff a letter asking to resolve the eight fundamental issues presented in Cives' Motion. (A copy of the letter is enclosed hereto as Exhibit A). In a follow-up telephone call, Cives learned that Plaintiff's counsel was currently on vacation and would return the following week.
3. Thereafter on July 28, 2004 Cives sent Plaintiff another letter referencing Cives' earlier request. This letter enclosed a draft copy of Cives' Motion and a proposed Assented to

Motion to Extend the Deadline for Cives to Answer or Otherwise Move with respect to the Plaintiff's Complaint. The Assented to Motion proposed that the deadline be extended to August 31, 2004. This extension, if agreed to, would have given the parties additional time in which to fully discuss the issues presented in the within Motion. (A copy of the letter is annexed hereto as Exhibit B).

4. Despite the exchange of several messages between the parties, the issues presented in the within Motion are still unresolved.

CIVES CORPORATION

/s/ Joseph A. Barra

Joseph A. Barra

BBO# 632534

Gadsby Hannah, LLP

225 Franklin Street

Boston, MA 02110

jbarra@ghlaw.com

(617) 345-7061

August 13, 2004



Joseph A. Barra  
jbarra@ghlaw.com

Tel: 617 345 7061  
Fax: 617 204 8061

July 21, 2004

**VIA FAX**

Guy E. Guarino, Esq.  
72 Country Club Way  
Ipswich, MA 01938

Re: Blacksmith Investments, LLC v. Cives Steel Co., Inc.  
Civil Action No. 04-10369NG  
Our File No. CIV 2010

Dear Mr. Guarino:

In accordance with Local Rule 7.1(A)(2) of the U.S. District Court for the District of Massachusetts and Article 3.01(b) of the District Court's Expense and Delay Reduction Plan, Cives respectfully requests that you contact me upon receipt of this letter to resolve or narrow the following issues:

1. Whether Blacksmith's Complaint has stated a claim upon which relief can be granted under Count 1 of the Complaint for Breach of Contract.
2. Whether Blacksmith's Complaint has stated a claim upon which relief can be granted under Count 2 of the Complaint for Misrepresentation.
3. Whether Blacksmith's Complaint has stated a claim upon which relief can be granted under Count 3 of the Complaint for Deceit.
4. Whether the U.S. District Court has subject matter jurisdiction over Blacksmith's Claims.
5. Whether Boston Steel Erectors, Inc. is an indispensable party.
6. Whether the assignment alleged in paragraph 2 of the Complaint was proper and authorized.
7. Whether Blacksmith has properly plead Venue and Subject Matter Jurisdiction.
8. Whether Blacksmith has standing to sue Cives.

Very truly yours,

  
Joseph A. Barra

JAB:tm  
cc: William E. Dorris, Esq.

225 Franklin Street  
Boston MA 02110  
Tel 617 345 7000  
Fax 617 345 7050  
www.ghlaw.com

Joseph A. Barra  
jbarra@ghlaw.com

Tel: 617 345 7061  
Fax: 617 204 8061



July 28, 2004

**VIA FAX**

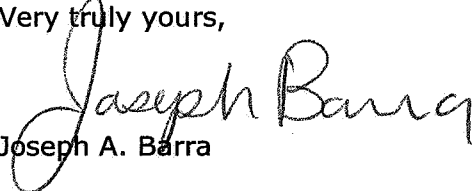
Guy E. Guarino, Esq.  
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Ipswich, MA 01938

Re: Blacksmith Investments, LLC v. Cives Steel Co., Inc.  
Civil Action No. 04-10369NG  
Our File No. CIV 2010

Dear Mr. Guarino:

Further to our July 21, 2004 letter attempting to narrow the issues that will be argued in Cives' Motion to Dismiss, enclosed please find a draft copy of Cives' Motion which states the bases for the requested relief. I understand from your voice mail that you are currently out of the country. Accordingly, I will be pleased to discuss the enclosed with you when you return. Inasmuch as the deadline for Cives to answer or otherwise move is set to expire at later this week, we have prepared another Assented to Motion extending the deadline to August 31st. This deadline should give you ample opportunity to review the enclosed. Please call me with your approval to file the stipulation.

Very truly yours,

  
Joseph A. Barra

JAB:tm

cc: William E. Dorris, Esq.

225 Franklin Street  
Boston MA 02110  
Tel 617 345 7000  
Fax 617 345 7050  
www.ghlaw.com